

McCall's journal of a visit to Wisconsin in 1830.

James M'CALL'S JOURNAL OF A VISIT TO WISCONSIN IN 1830.

SKETCH OF JAMES M'CALL, BY ANSEL J. M'CALL.¹

¹ Ansel James McCall, the writer of this sketch of James McCall, was the latter's nephew and for about twenty years surrogate of Steuben county, N.Y.; at the time of writing the sketch, February 5, 1890, he was secretary of the New York State Soldiers' and Sailors' Home, at Bath. The late Rev. Absalom Miner, of Madison, Wisconsin, was a son-in-law of James McCall,—his daughter, Mrs. Marie Miner Richards, wife of Rev. Charles H. Richards, D. D., formerly of Madison, but now of Philadelphia, being the commissioner's granddaughter. Another granddaughter is Mrs. Augusta Searle Sheldon, of Chicago, my informant as to these facts.— Ed.

James McCall, the writer of the following Journal, was the son of Benajah McCall, of Lebanon Springs, Columbia county, N. Y., where he was born January 5, 1774. His father for many years kept the hotel there, but he sold it at the close of the Revolutionary War and agreed to receive, in payment continental money. That currency proving worthless, he had nothing left after paying his debts, except an interest in a tract of land on the Delaware river, a few miles above the village of Walton, in the present county of Delaware, New York. It was then a trackless waste from the Hudson river to the Delaware. But, with the hardihood and will of our Revolutionary sires, he determined to make the venture of settlement. In the spring of 1783 he moved with his family to Breakabeen, Sehoharie county, New York, took possession of a deserted Tory clearing and put in a crop to furnish temporary subsistence while preparing for a further push into the great wilderness. At the close of the winter of 1783–84 he left his camping ground for the Delaware. An ox sled bore his Wife and effects, while his children trudged on foot. There was no road of any kind. There were only blazed trees to mark the way. The privation and suffering of

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a family 171 buried in the deep forests can hardly be conceived by one who has had no such experience. There were no highways, no bridges, no schools, no churches, no mills, no merchants. The narrow openings and wide forests supplied the isolated foresters with their sole subsistence.

The subject of this memoir was taken from school at the early age of nine years. The straitened circumstances of his father, and the lack of facilities, prevented him from obtaining any further education in his boyhood. His thirst for knowledge was, however, increased by his deprivation. As soon as he reached his majority, having obtained a reputation for integrity, he obtained the means upon his own responsibility to reach Connecticut and spend a winter at school. In that brief winter he mastered the common branches taught there, and acquired sufficient knowledge to do ordinary surveying. Immediately after he returned from Connecticut, he commenced lumbering, and in the spring of 1797 got in a raft which he ran down the Delaware river to Philadelphia. Having disposed of his logs, he started for Ohio, just then opened for settlement—the *ultima thule* of western emigration. He was engaged during the summer with the government surveyors, but being attacked with the then prevalent malarial fever, upon his recovery worked his way back to New York. In 1798 he removed with his brother to Ovid, Seneca county, that state. They purchased a tract of land on the western shore of Cayuga Lake, laid out a town, and established a ferry across the lake. known as Kidder's Ferry. December 19, 1799, he was married to Elizabeth Dye, and engaged in farming and merchandising. From 1808 to 1814 he represented Seneca county in the state legislature. In 1815 he removed With his family to Allegany county, then quite new. He there erected mills and opened a store for the accommodation of the settlers. In 1816 he was appointed judge of the Allegany county court. He represented Allegany and Steuben counties in the legislatures of 1818–19 and 1823; and in 1821 was a member of the state constitutional convention. from the same district. In 1824 he was elected senator from the Eighth senatorial district of the 172 state of New York and served for the full term of four years. In 1830 he was appointed by President Jackson a commissioner, with Gen. Erastus Root,

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of New York, and John T. Mason, of Kentucky, to settle the differences between the Menomonees and Winnebagoes, and the New York Indians, with regard to their respective reservations. The following Journal was written while acting as such commissioner. He was appointed by Governor Marcy one of the judges of the court of common pleas of Allegany county. He resided in the town of Rushford, in that county, until his death, which occurred on the twenty-fourth of March, 1856.¹

1 In Turner's *History of the Holland Land Purchase* (Buffalo, N. Y., 1850), p. 536, is this reference: "The venerable Judge James McCall, the early merchant, who has been for a considerable period a state senator, and filled many other important public offices, may perhaps be regarded as the patroon of the village of Rushford; conspicuous in the various enterprises that have contributed to its prosperity, his life has been an exemplary and useful one. He still survives, having reached his 74th year. He has reared a family of thirteen children, twelve of whom are married and settled; and has in all, over forty living descendants."— Ed.

Notwithstanding he was much in public life, he never accumulated more than a narrow competence. He was a man of strong religious character but with enlarged and liberal views. Honest and upright in all his dealings, he commanded the entire confidence of the community in which he lived.

INSTRUCTIONS FROM THE SECRETARY OF WAR.²

2 Copy found in McCall's Journal.— Ed.

Department of War , 9th June, 1830.

Gentlemen :—the 2nd Article of a Treaty made and concluded at the Butte des Morts on Fox river in the Territory of Michigan, between Lewis Cass and Thomas L. McKenney commissioners on the part of the United States, and the Chipewa and Menominie and Winnebago Indians,³ provides that a reference of a difficulty, as set forth in said

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3 Concluded August 11, 1827; proclaimed February 3, 1829.— Ed.

173 Article between [the] Menominie and Winnebago and the New York Indians, shall be referred to the president of the United States, whose decision in regard to it shall be final. The difficulty referred to consists in disputes between the parties named, respecting the alleged Purchase and sale of Lands in the years 1821 & 1822. The New York Indians claim to have made bona fide purchases and the Menominee and Winnebagoes deny it, alleging, their intention to have been, only, to grant permission to their Brothers in New York to sit down among them. The Menominies and Winnebagoes, in the second Article of the Treaty afforesaid, having given the right to the President to decide upon this controversy, and the right also to establish such boundaries between them and the New York Indians, as he may consider equitable and just, and the President esteeming it proper to waive any decision upon the question of the validity of those compacts of 1821 and 1822, has determined to accomodate the New York Indians, under the privilege given to him to do so, by locating a country, and establishing boundaries between the parties as may be equitable and just. That you may know the country purported to have been bought in 1821 & 1822, I inclose herewith. extracts from the articles of agreement made at those periods which define the alleged cession.

The controversy hitherto existing between those Indians, as to what was, or was not purchased and sold in 1821 & 1822, may be assumed as settled in the Treaty afforesaid, and in the authority vested in the President by the Menominies and Winnebagoes, to act as umpire in establishing boundaries between them.

With a view to the execution of the Trust referred to him, in the 2nd article of the Treaty afforesaid, the President of the United States hereby appoints you joint commissioners, to repair to Green Bay and select a suitable country, within the limits of that claimed and owned by the Menominie and Winnebago Indians, and establish the boundaries of the same for the accommodation of the New York Indians. On your making the selection, and making to this department your report, with a map, or drawing of the country 174

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which you may select, the President will approve or disapprove, as in his judgment he may esteem proper. If he approve, the limits that may be defined by you, will be, and remain the country, the right of, and title to which, will be in the New York Indians and their Posterity, and upon which they will be protected by the laws made, or which may be made, establishing intercourse with the Indian Tribes, and for preserving peace on the frontiers.

Two principle objects will present themselves to you, and these you will keep steadily in view. First—the providing a country, and a home for the New York Indians, that shall be acceptable to them, in extent, and soil, and wood, and water, &c. Second'—In consulting the Views and feelings and condition of the Menominies and Winnebagoes, who have generously given the permission to do so. It will be important that you harmonize these interests. It is not possible to direct you where to fix the boundaries, or what location— or what Quantities of land to assign.

In regard to quantity, however, it may be proper to remark that Justice to the Winnebagoes and Menominees, and utility go the New York Indians, require, that no more be taken from the first, and given to the last, than will subserve the interests, and promote the comfort and prosperity of the last. Indian Tribes in a hunter state, (and this is the state of [the] Winnebagoes and Menominies,) require large Tracts of country; whilst Tribes, whose condition is essentially agricultural, (and this is the condition of the New York Indians) require a less extensive domain—indeed, to transfer them from fixed, and reasonable agricultural limits, to boundless forests, or extensive ranges, is at once to reconvert them from agriculturists, to Hunters, and to undo all that instruction and necessity combined have accomplished to lift them from the hunger to the agricultural state. It will be important, therefore, in fixing on the quantity of land for the possession, and ownership of the New York Indians, to have an eye to this two fold principle of doing no injury to the hungers by trenching too extensively upon their domain, and of benefiting the agricultural party.

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The Indians in the state of New York number it is believed, at this time, about 2,420—and they claim about 131,640 acres of land, which is a little over 54 acres to each individual. This view is not given to govern you in limiting the New York Indians to a like Quantity at Green Bay—for it would be proper, doubtless, to allow them a quantity fully adequate to all the demands which as an agricultural people, they ought to possess. But it would be proper in deciding upon the quantity, to guard against leading them by an over quantity, to give up their present state of improvement, and return again to the roaming and the hunter state. *This is particularly to be guarded against* . You can judge of the location and boundaries only, on a survey of the country, and on ascertaining the views, &c., of the parties interested in the subject. It is however of the highest importance, that both parties should acquiesce, *so far as that may be possible* in the boundaries that may be established between them.

You are referred for the Topography of the country to the maps of the Michigan Territory; and for local information to such sources as may be developed on your arrival at Green Bay, in your intercourse with those who may have the local information to impart.

I inclose herewith a copy of the Treaty above referred to, which contains the object of the Trust—the execution of which is referred to you.

Your compensation will be at the rate of eight dollars (*per day or* [sic.]) for every twenty miles of Travel from and to your respective homes—the distance to be determined by the secretary of war; and eight dollars, for every day, you may be engaged in the discharge of the duties of this commission, after your arrival at the seat of your operations, and this will be in full for your services.

You will be allowed a secretary whose compensation will be at the rate of five dollars a day for every twenty miles Travel; and five dollars a day while engaged at the seat of your operations.

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The amount appropriated to carry this object into effect is five thousand dollars. This sum is in no case to be exceeded.¹ The ballance, after paying your accounts, and your secretary's and Interpreter, and a surveyor, and chain bearers, &c., should you find it necessary or expedient to employ them, you will distribute in usefull goods equally among the Menominie and Winnebago Indians.

¹ The report of the Superintendent of Indian Affairs, Samuel S. Hamilton, dated Nov. 25, 1830, states, nevertheless, that the expedition cost \$11,850.85.— Ed.

It is probable that a few of the chiefs of both Tribes and also a few of those of the New York bands, may wish to attend you in your examinations, &c. If so, you will allow to each, not exceeding five, from the Menominie and Winnebago Tribes; and three from the New York Indians, now located at Green Bay, one dollar and fifty cents a day, to furnish them with supplies, &c. This will also form part of the cost, and be a charge against the appropriation of the \$5,000 afforesaid.

You will in making up your accounts, state your accounts so as to show the number of miles traveled, and the number of days, you were engaged in the execution of the Trust and accompany them with the original bills of purchases of such goods as you may distribute, and add to the accounts your certificate of their correctness.

The amount of the appropriation will be placed to your credit in the Branch Bank in New York, subject to your joint or seperate orders as commissioners.

I have already called your attention to the great object of reconciling the Tribes concerned in the lands you are entrusted to set apart for the accommodation of the New York Indians. Your attention is again called to that subject. The great object to be obtained in this business is harmony. It would not be sound policy to introduce a new and strange tribe near to the Winnebagoes and Menominies if anything of heart burning shall be permitted

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to exist; strife would be the consequence, and the New York Indians would become so dissatisfied as to be deterred from a removal.

It is matter of the first importance therefore, in regulating the quantity of land to be given them, and particularly in its *location* that you so arrange Matters as to preserve 177 good and kind feelings amongst all the parties. The New York Indians are a weak and feeble Tribe—peacibly disposed, and incapable to contending in war with the powerful tribes on the lakes. It would be cruelty, in the government, to send them to a new home, where they would be under feelings of dissatisfaction, and be subjected to danger. Hence, before the President can give his sanction to any arrangement to be made by you he will require to be fully satisfied, that the important considerations here suggested, are certainly obtained; and to effect these, care and caution must be regarded.

Very Respectfully Gentlemen Y r . Obt. Serv't. J n . H. Eaton .

To Genl. Erastus Root, James M'Call, Esqr, and J. T. Masons, Esqr, (of Kentucky), Commissioners, &c .

M'CALL'S JOURNAL.1

1 Gen. Albert G. Ellis, of Stevens Point, wrote Dr. Lyman C. Draper as follows, Feb. 9, 1881: "In the Society's report for 1881, p. 23, I read something about a contribution of James McCall,—being the 'Journal of the commissioners appointed to locate a district of country near Green Bay, for the New York Indians,' &c. &c. I was present at this commission,—Erastus Root and Governor Mason being the other two commissioners, and a Mr. Hunt, of Detroit, Secretary. It would be a rich treat to me to see this Journal,—what coloring Mr. McCall gives that transaction. Hunt, the Secretary, dropped the thing at conclusion of the council,—left the Journal unpublished; and the fall after (I think it was), or perhaps a year after, on the way to Washington with S. C. Stambaugh and the Menomonees, I met Governor Mason, who had the papers of this commission in his possession—the report of their doings not yet made! Gov. Mason consulted me about the

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incomplete state of Hunt's Journal; and wished me to take it in hand and finish it up. With his help and criticisms I undertook it, and did. When finished (a week or two after I got to the city), the Governor being there, made the report of that commission to Mr. Eaton, then secretary of war, and the head of Indian affairs. Mr. McCall's Journal must then, I think, have been made on his *recollection* of the affair, which lasted over two weeks, I think." See also *Wis. Hist. Coll.*, it., p. 422.

The Journal proves, however, to be a private diary of daily events, kept by McCall during the term of the commission, and has the advantage of being a record of first impressions, made upon the spot. The orthography is peculiar, but it must be remembered that correct spelling was not considered so essential in McCall's youth as in our day. He appears to have been a keen observer of men and things, and not lacking in dry humor. The report of the commissioners will be found post.— Ed.

Rushford,²

2 Allegany county, New York.— Ed.

June 30, 1830. Rode to Warsaw—Fare &c 1.92

July 1. To Buffalo 44 miles making 74 miles Expenses 2.08 12

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July 2. Staid in Buffalo 5.12

11 o'clock P.M. Steam B[oa]t H. Clay

clear d for portland, Ohio 8.00

Expenses on board .25

4. Sundry expenses 1.19

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To Sandusky, exp 2.12

9. Started for Detroit. Bill at Wm. Hull's tavern, 3 nights and 2 days 1.88

Expenses, fare, &c 5.85

10. Expenses, sundries .25

July 1. Attended at the Buffaloe Reservation council House. Agent [Justus] Ingersol. Held a Talk with the chiefs & warriors—H[oratio] Jones and his son Interpreters. They felt quite alarmed at the reports circulated that the President was about to drive them from their reservation beyond the Miss i .

2. 11 p. M. Went on board the H. Clay; became acquainted with Major Wm. Hunt and lady from—

4. At 10 o'clock landed at portland; went to church. Heard 2 discourses on the doctrine of election by grace. (presbyterian.)

5. Took stage 20 miles to Bevin's on the Turnpike and went on foot 10 miles to Mr. Strong'. Rev d D. Searl & M. McCall.

To writing letters & postage of sundry letters 2.00

6. Took Stage for sandusky. Arived 4 o'clock.

7. Hired prior To go and look at my land and found some Trespasses done, but not so much as my fears were. 179 Crops exceedin good and weather Dry and warm. Cool nights.

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8. Last night the warmest I have seen. Slept with windows open. Took cold and am quite Hoarse—some headache. Visited M rs . Platt Brush, Judge Everit and sundry other persons.

9. Started for Detroit. Very cold, so that I wanted my cloak. Forgot my umbrella. Road badly cut up with the great rains & Travel. Turnpike almost a dead level, except at the Banks of the rivers and streams; 32 Miles To Maumee & 30 miles to river Raisin. Monroe Village a delightfull spot, although I only viewed it by moon light. Traveled all night and arrived at Detroit at 9 A.M.

10. Called on Gov r . Cass; Mr. [William B.] Hunt, sec'y of our commission. Afternoon dined with the govr., with sundry other gentlemen, his wife, Daughter and another lady. Gen I Wool, Lawyer Wilkin, Dr. Cry, Mr. Irvin,¹ Green Bay, &c.; attended a while at the capitol. The Legislative council in session. Quite a splendid building as well as spacious. I am now writing where I can see from my window the Village of greenwich, in His Majesty's dominion.

¹ Robert Irwin, Jr., who was a close friend of Governor Cass and enjoyed his confidence. — Ed.

11. Went to church with Mr. Hunt in the fournoon. Mr. Wells, presbyterian, preached from 2nd Eph. 12: an able minister. In the afternoon read in Law's Call. Wrote some. Towards evening walked in the street—heard a foreigner preach from these words: “What shall it proffit a man if he shall gain the whole world and lose his own soul.” He stood in the open air by the market and many gathered to hear as they passed by. His dialect broad, his voice good, and words scripture; sound and apparently spiritual. I could not help bidding him god speed and pray that it might be blessed to the good of some poor soul. But alas, how cold and heartless is my devotion To god my saviour.

12. Detroit.—Rain this morning. Wind north & cold—continues Rainy & cold.

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13. Cool & Cloudy in the morning—afternoon warm and showers.

Detroit.—This city has a government house for the Territory, a stone Catholic chapel, a presbyterian & Episcopalian church and a small Baptist meeting House. Became acquainted with Mr. Browning, a Merchant of considerable business, and a Baptist anti-Mason, from Albany.

15. Moved my lodgings from Woodworth's To the Mansion house. Bill 5 days, \$5.00.

22. Expended for beer, etc. 1.00; purchased a suit of light cloaths, 6.25.

July 14. Fair and extremely warm. Gen I Root arived at 10 o'clock, Steam Boat superior. Clouds gather for shower.

15. clear and exceeding warm in the morning and continued through the day.

16. the same.

17. the same as To weather, & still at Detroit.

18. exceeding warm. Sunday. Went To the Baptist meeting. Elder—Davis preached. He was lately from Wales in England. he Baptized a young woman in the morning. The church is small—only 3 or 4 mail members. Mr. Mason, our colleague, arived in the Steam Boat.

19. Met and formed our board. Still exceeding warm. Therm. 90°.

20. Still at detroit. weather Hot and dry. Therm. 91°.

21. Met in the secretary's department. Weather warm—the mercury 93°.

22. The Board again met for Business.

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23. The weather still excessive hot.

24. The board again met for business. Various Questions of great moment were raised. The appropriation so small, \$5,000 only, and much wanted to hold a Treaty, make presents, feed the Indians, &c. Govt. Cass recommended the purchase of 100 Bbl. pork, 150 of flour and 300 bushels of corn, to be sent to Green Bay to victual the Indians during the Treaty, also to present them with 4 or 5000 \$ worth of goods to be distributed among them. For myself I doubted our authority, as nothing was said about a Treaty in our Instructions. Postponed until Monday next.

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Became acquainted with, at Detroit, Govt. L. Cass; Judge Lieb, Marshal of the Territory; Schoolcraft, legis. counsel from St. Marie; Irvin, do., Green Bay; Edwards, do, St. Josephs; Col. Larned, Judges Abbot, Chipman, Sibley, C. C. Trowbridge, Cashier M. Bank; Hastings, J. R. Williams, Rev. Wm. Berry, Mr. Wells, presbyterian Preacher.

25. Sunday. Went to Baptist meeting. Elder Lamb, late from Pultney, Steuben county, N. Y., Preached: but few hearers. At evening went to hear Mr.—a wesleyan Methodist in the Baptist House from these words: "Yea, more blessed are they who hear the word of god and keep it." A sound discourse and delivered in a forcible and impressive manner.

26. Monday. Met the commissioners and considered the resolution of Saturday, but thought proper To address a letter to Govr. Cass on the subject. Expenses for Beer, &c. 1.00.

27. Tuesday. Met as usual. Agreed to purchase 85 bbls. pork, 150 do. Hour, and 300 Bushels corn. To be delivered at Green Bay by the 12th August. accepted Mr. B. B. Kircheval's proposals at

85 bbls. pork at \$13.50

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150 do. Hour 5.75

300 bushels corn .75

29. Met as usual. Agreed to have Mr. Irvin furnish a Table, &c., for the Treaty or council.

30. countermanded the above order. Took some pains to induce the steam Boat Niagara to start Tomorrow for Green Bay; but could not, for want of sufficient encouragement. Still very Hot and sultry. Got Gen I Root's spectacles mended, which cost .44,—other expenses .44.

31. Still at detroit waiting the Boat Sheldon Thompson.

August 1. Sunday. Attended meeting. Mr.—preached: an English wesleyan Methodist. Last night a violent Tempest with heavy rain.

2. Monday. We ordered some stores for the Green Bay expedition: whole amount \$100.83.

3. Tuesday evening the Boat arrived. Settled my bill, 20 days—\$20.00; washing.81. I have been here 25 days.

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4. Wednesday. Started from detroit at 11 o'clock A. M. Stopped at ward's landing — miles above Lake St. Clair for wood—the first ground which rises more than 2 or 3 feet of the level of the river and here about six, and ascending back from the river as far as it is cleared, perhaps 80 rods. A fertile spot and I have no doubt in Time will be a Village. A Vessel has been Built here the last season. Timber fine and Tall consisting of oak, Hickory, Maple, &c. Started about 9 o'clock P.M. Next morning arrived at fort Gratiot, where there is a garrison of 2 companies, situated at the foot of the rapids about $\frac{3}{4}$ of a mile from Lake Huron—the current strong and deep. The light house stands at the outlet. Here the land is higher than below and is said To be good.

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5. Thursday morning started from the fort after landing part of the Troops which were on board. The whole number was 150. We have also 50 passengers. notwithstanding the strength of the current, the steam Boat towed a Vessel of 50 Tons burthen into the lake, although the current is at the rate of 5 or 6 Miles an hour. The land along the coast looks high and well timbered with pine and oak, and is said to be good land. The Banks are from 20 to 40 feet high, some of them clay and some rock.

6. Friday morning about 10 o'clock entered the western strait. The lake has been very rough and the boat rolled badly owing To the side wind and we in the Troughs; after passing the straight, Drummond's Island on the east and Point La Tour on the west. Passed through the 1000 Islands as called from the many of all sizes; in Lake george, about the midle, ran on a sand bar—got off in about half an hour. In Little L. George ran aground again—and detained about the same Time. About dark ran on again and after swinging the boat around she again floated, but did not go far. Cast anchor about 8 miles below the Sault de St. Marie. A Violent rain set in. The coast on both sides appears to be rocky and barren, mostly covered with spruce, cedar & Fir trees. Sugar Island is an exception; although high it is said to be covered with Maple Timber and is several miles long, insomuch that when under the 183 British, they Talked strongly of creating it into a rum plantation. Drummond's Island is not high and is a Barren rock on which the British when they gave up Michelemackinac to our government in 1815, retired to and Built a fort Barracks, but have since intirely evacuated and the island is now Tenantless. We now and then saw a few Indian Lodges by the river who wholly live on fish. As to wild game the country is said to be destitute of; rarely a moos and sometimes a Rain Deer, or, as they are called by the natives, —, is Taken.

7th. Saturday morning, weighed anchor at daylight and arived at the fort at the foot of the rapids about 5 o'clock. 46 soldiers besides some officers landed. Mr. Schoolcraft's family also, being their place of residence. He is Indian agent at that place. The fort is handsomely situated on the west side of the river, picketed in with cedar posts 12 feet high

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a Block house at the north west and south east commanding all sides of the fort. There is a number of Houses without the fort, some covered roof and sides with cedar Bark, besides many French & Indian lodges made of flags wove Together like mats and set up end wise for the sides and covered with Birch Bark and made round like a stack of hay half done. There is a Missionary establish[ment] at this place by Elder Bingham, a regular Baptist. They are building now, are somewhat in a prosperous condition.

At 2 o'clock we left the Sault de St. Marie to return down the river. With the current and a fair wind we made great headway except in Lake George, where [we] again got out of the channel and with some difficulty and delay we got right and proceeded To Michalamakanak, where [we] arived about sun rise on Sunday.

8th. before breakfast Visited the fort and went to Fort Holmes on the summit of the Island and over looks every part of the Island. It has been evacuated and probably will never be wanted except in case of war.

There [are] evident marks of the waters having receded more than 20 feet in the process of time and a more healthy place I think there is not in the world. The Buildings in the fort are one story & a half high, framed and sided up 184 with Boards that are not plained and all white washed; with all, the walls, parapets and pickets makes an elegant appearance and may be seen at the distance of 30 miles in clear weather being situated about 50 feet above the lake.

In company with Mr. Davis from detroit Visited the missionary establishment, the Sunday school, &c., and then attended church. Mr. Cottren preached, who is Traveling for his health. Mr. Persey has the care of the establishment and [is] a presbyterian.

At half past one we set sail for green Bay with a fair wind which continued all night, and passed the strait between the northern extremity of Michigan Proper and the land lying

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between the latter lake and Superior before dark. At daylight we were in sight of the Island which is at the entrance into the Bay.

9th. At ten o'clock we have just entered the Bay after having passed all of the Islands in the grand Traverse except one. The lake has been very rough and the passengers mostly sea sick. We are about destitute of wood—a hard wind and 50 miles from Green Bay. Stopped at the mouth of Menominee River and Took in wood—the wind still ahead. The water of this stream is of a dark color and the sand about the lake shore of the same hue. Much of the Timber about this place is yellow pine. Some of the Islands we passed in the Bay are high rocky bluffs perhaps 150 feet [high], almost perpendicular; others low and are said To be good land for Tillage.

10th. Arrived in Fox River—Green Bay fort—about 10 o'clock. Landed first at Shanty Town, thirty-two miles up the river [bay?], left some passengers and Goods, then dropped down to Judge [John P.] Arndt's.¹ Took up our lodgings for the present. This country has the appearance of being but little above the River and Bay. At the southeast it rises somewhat higher.

¹ Site of the present residence of Mrs. O. H. Crane.— Ed.

11th. At the bay. Navirino [is] the name of the village opposite the fort. Made arrangements to call the Indians into council on the 24th. The steam boat got under way at 7 o'clock P. M. to return to Detroit. Hired a Boat to start in the Morning for Winnebago Lake.

12th. Made preparations to start up the river. Owing to various delays we only went about 12 miles & encamped about 1 mile above Apple Creek. Mr. Cox, traveling on horse back, stopped with us through the night; our Boat furnished by Judge Arndt with hands, &c. Genl. Root was out of health and did not start from the Village but is expected to meet us. 2 Frenchmen & one Indian furnish our boatmen. The country is open on both sides of the river about 5 miles from the Bay. From that up, on the right bank, it is oak openings. On the left it is thick timber covered with a variety such [as] oak, hickory, Maple, pine, &c. The

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banks High, from 20 to 30 feet, and in some places rise a little from the river into Hills; the land good, although a clay soil of a red or crimson couler; no bottoms, except at Mr. [Eleazer] Williams' up to the Great Rappids. He is a half Blood St. Regis, with a half Blood Menomonie wife. He has the advantage of a liberal education and [is] said to be a cunning man and claims, in the right of his wife, a large tract of land, and is paid by government \$250 annually as chaplain for the Oneida Indians. I expect he will make us difficulty in satisfying the New York Indians, in making them believe their claim is more extensive than it is. Note: it is common in this region for the business men to marry those half Blood Ladies.

13th. Started after an early breakfast and went up to Augustine Grignon on the right bank of the river. He has two whole sections, covering the best advantages at the Rappids for mills and other Hydrauliks, and a large share of open Bottom land. They have become rich by trading with the Indians. The family are mixed Bloods of French and Indians. From this across the river up to the lower end of the rappids of the Grand Kakalin,¹ where the Brockbridge tribe settlement begins, unloaded our boat and hired our load carted up over land to the head of the rappids and a little

¹ Now Kaukauna.— Ed.

186 above the Mission house, and sent our Boat to that place. Hired 5 Indians, making eight hands. Stopped at—Gardners, an Indian on the bank of the river. There are 7 islands in this great Rappid which falls about 30 feet. The Stockbridge tribe have a saw Mill and are preparing to [build] and [put] the frame up for a grist mill on one of the branches of the river.

14. Satterday morning. Rained all the fournoon. Staid and Breakfasted at the Mission House. This establishment is of the presbiterian order and conducted by Mr. [Cutting] Marsh and Mr. Stephens,¹ and is in a prosperous state. At 12 o'clock the rain ceased and we started and went on about 3 miles and encamped; the state of the country much as below. The Little Chuete is [a] perpendicular fall of 1 foot and a continued Rappid of more

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than a mile and falls about 21 feet, on the west side of which is an Island of considerable size and convenient for Hydraulicks. Oposite the Island is a Bottom of 2 or 300 acres of open land or prairie. On the Back side of it, a handsome elevation of about 30 feet; the scattering timber W.[hite] oak. This is the spot of all I have seen in the country the most Valuable were the country around it settled. I was surprized by finding a store and ashery just below this, on the Stockbridge side of the river. This Bottom is the 4th and largest on the river and are never overflowed, as the water never rises more than 3 feet.

1 Rev. J. D. Stevens, who was the Presbyterian minister at Platteville in 1844.— Ed

15th. Sunday. Clear. Went on up the river to the Grand Chute. Hired 5 Indians to help the Boat up the falls, which is about 6 feet, almost perpendicular. The river breaks over a smooth rock and is about 80 rods wide. Loaded Boats have to unload here and carry over by the edge of the water and then re-load. The land here puts into the river in high Bluffs and is somewhat broken at the river, Above this the water is still, so as to roe a boat the most of the way to Winnebago Lake. The banks grow lower and better all the way up; there is, on the bluffs mentioned, 2 lodges where they make bark canoes.

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We left this about noon and went up to Butte de Morts and encamped on the ground where the Indians were called to the Treaty in 1827. Here is the best water I have seen in the Territory. A good Spring a little farther up is Spring creek, said to be sufficient boath in Quantity of Water as well as falls for mills. This is a handsome place and good land. The height of land here is about 16 feet above the level of the river. The name of this place in English is Hill of Death — a Mound in the middle of the prairie, where the french and Indians about 100 years [ago] Slaughtered the Siox or Seek Indians and chased the rest out of the country, and in this mound they Buried the dead.

Below this place is [as] grand [a] place in nature as I have ever seen, on a plain on the same side (viz., west) about. 20 ft. above the river, which is just above it more than one

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mile wide and oposite about 80 rods; together with the richness of the soil [this] makes it a verry interesting spot.

16. Monday morning. Started and went up to the lake about 2 miles to the uper end of the Rappids at the outlet of Winnebago Lake; here we made our Boundary for the west side of the first purchase of the Menominie and Winnibago Indians. After halting, the Indians, whose Village was in sight, seeing our U.S. flag which was hoisted, began to gather Round us and in about an hour the chief approached us with his aid De cong. There was there in all 55, male and female. The chief's name is Four-legs.¹ We then addressed him by our interpreter to learn more particularly where they considered the boundaries of the New York Indians' purchase was. He gave us for answer, that he would call in some other chiefs which belonged to the band and let us know about 12 o'clock. Acordingly went round in to the lake on the oposite side of the Island. Took our dinner and returned to meet the chief at his lodge. Here we found them collected—in all about 10 in number—the

¹ Hootschope (Four-Legs) had his village on the site of Neenah, at the mouth of Lake Winnebago. His Menomonee name was Neokautah. See *Wis. Hist. Coll.*, v., p. 96, *note*, and x., p. 114, *note*, for references to his custom of gathering tell from American fur traders.— Ed.

188 head chief seated on his Mat cross-legged in all the majesty of an Asiatic prince. After a profound silence, he arose from his seat and shook hands with each of us and addressed us to this effect in the Winnebago, interpreted in Ojibway or Chipewa to Mr. Conner who interpreted it to us in English. (The chief who interpreted the Winnebago language name was *duck*.)

When the Wappenackys¹ came to this country I was the first to take them by the hand. They asked us for a small piece of land to rats Bread for their children and intended to cultivate the land for their living—that they had some presents, but it was not enough to cloath us, but they said it would do us some good. We gave them some land to set down upon where they now live but did not sell it to them. At first few came, but since that

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they have been coming evry year in great number as though they would claim the whole country in spite of us.

1 Waubankees, or Oneidas.— Ed.

On being again asked where they gave them land, they again answered that it was below the Little Chute—that there was a Tree marked at that place, but it was fallen down and the man that marked it was dead, and if the Whopenackys told more than that they told lies.

This country is as interesting a country as I have seen—the important communication between the lakes and Mississippi with only one mile portage and that easily canalled, being low, not exceeding six feet above a level with the river—the land exceding good, the Hydraulic boundless on fox river [which] below the lake and before you reach the Bay, falls about 145 feet.

After learning the feelings of those savages, we concluded our survey and returned, after presenting them with 12 or 15 lb. tobacco and 5 or 6 dozen of pipes, down the river and encamped at the place where we staid on Saturday night.

17. Tuesday morning. Came down to the Mission 189 house¹ and according to apointment when we went up met the chiefs and head men of the stockbridge Tribe in council; gave them our hands, and presented them with a short written address and a copy of extracts from our instructions as far as related to them, to prepare their minds against their meeting us in council on Tuesday next. They appeared pleased and closed our business for this Time. In the meantime Mrs. Stephens had prepared an excellent dinner of which we partook and then started our boat down the rappids, And we went on by land to the foot of the rappids, where we join ed the boat and returned to the Bay about 10 o'clock at night.

1 Kept by Rev. Cutting Marsh; it was in those days almost the only house of entertainment between Green Bay and Fond du Lac.— Ed,

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18th. Wednesday. Ordered that Mr. Arndt furnish a Table for 40 Dinners during the council, to which he agreed, at 50c per Dinner, exclusive of liquor, and To be paid for building a Bowery covered with Boards, and seated for 500 people.

19th. Cloudy and Threatens for a storm. Indians begin to collect and want something to eat. We have to Issue rations. Nothing special Takes place. This day between 1 and 3 o'clock a man by the name of—was hanged for the crime of murder.² He tied the rope himself and appeared firm without a Tremor. He was a soldier and shot the master Boat builder for the U.S., because he reported him as slack in his work. After running away—absent 2 days—returned and gave himself up and before the court plead guilty to the charge and was sentenced to be Hanged.

² In *Wis. Hist. Coll.*, iv., p. 189, is an account of the hanging of a man named Hempstead, at Green Bay, by Sheriff Ebenezer Childs. The date given there as 1829, being from memory, is no doubt incorrect; the case is apparently identical with the one mentioned by Mr. McCall in 1830. The late Andrew J. Vieau, of Fort Howard, wrote me under date of December 29, 1887, that “the man Hempstead murdered was named Gorham, the master boat builder.” Vieau's memory went back to that period, and as he had no recollection of any other execution at Green Bay, and no knowledge of Mr. Call's diary, the testimony appears to be conclusive that Child's date is erroneous.— Ed.

20. Friday morning. Thundered, and sets in for a violent 190 shower and clears up warm. Wrote a letter home, also to Mr. Magee. Indians still gathering. Issue about 600 Rations. No Winnebagoes have yet assembled. During my stay here I have observed a regular rise and fall in the river every day of about 18 Inches, and the inhabitants say it is continually so, but varies in different weather.¹ The water in all of the lakes and rivers are said to be about 4 feet higher than they were in 1821.

¹ This tide was observed by Father Marquette, in 1673. For further references, see *Wis. Hist. Coll.*, I., p. 62; vi., p. 169; vii., pp. 230, 267.— Ed.

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21. Saturday. Indians still gathering from all directions.

22. Sunday. No preaching, except at the fort in a school room. Mr. Williams in his flowing Robe did service in the episcopalian form. I did not attend. Few Indians arrived this day until evening, when 14 canoe loads came down the river at once, and 4 or 5 came up the bay. It is a fine Pleasant day,—after 3 or 4 days of shower weather.

23. Monday. A fine pleasant day. About 1 o'clock a fleet of sixty canoes loaded with Indians came in, making in all about 1200, and at 6 o'clock we visited their encampment and found them drunk, both male and female—quarrelling among themselves—and [they] continued their reveling nearly all night. We have requested all persons not to sell Liquor to Indians during the council, and it is also penal from \$5. to \$100. to sell liquor to Indians.

24th. Thursday. At 12 o'clock met in council in the council house built for that purpose by Mr. Arndt. After smoking the pipe of peace the following address was read and interpreted to them in the chipewa language, which they are all said to understand:

Brothers: Your red Brethren, the Wappenaikies, came to your country some years ago and you Took them by the hand and told them they might have a home among you. You sold them land to live on and they gave you money and goods for it. They believed that you were satisfied, and they have brought their wives and children from a 191 great distance, and have built houses and have the lands in corn and settled on them as their own.

Your great Father the President saw this and was pleased. He was glad his red children could agree among themselves & help each other, but heard that you afterwards became dissatisfied and he was sorry.

He wishes his red children all to be happy and love each other as brothers: his heart is sad when they cannot agree. He wishes to enquire into your difficulties & do justice to all. He has been Told that you and the N. York Indians disagree about your boundaries of your land, and he has sent us his commissioners to hear what you all have to say and to

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fix the lines between you. At the treaty of Buttes des Morts you said to your great father, the president, you wished him to keep his red children from quarreling about their land; and you there agreed that he should settle all differences among you as a father who loves all his children alike, and you promised to obey him as good children, and do what he should tell you. Your father has so many white children to take care of that he cannot come himself to see you. But he has sent us his officers to talk with you & to hear what you have to say. He has Told us to hear all and do justice to all, and has ordered us to lay off a country or tract of land for the New York Indians are to live and have a home of their own free of any interuption, and where he must protect them as he does his other children. Now we want to hear what you have to say and we want you to tell us what boundary will best suit you and your brethren the N. Y. Indians. Your Great Father says they must have enough for themselves and their children, and he has told us to leave enough for you to hunt on, and where you may raise corn and build your wigwams. We will listen to what you have to say now or when you are prepared to Talk.

There were present, the commissioners; Secy; [S. C.] Stambaugh, agent; Mr. Connor, interpreter; chiefs from the Menomenie and Winnebago nations; Delegates from the Oneidas, Stockbridge, Tuscarora and Brotherton Indians; 192 private gentlemen, French and a motly crew of mixed and full blood Indians. The council adjourned until to-morrow. Invited Four-legs, a Winnebago chief, to dine with sundry gentlemen. This man about 40 years of age, of middling stature, is the most interesting man in his appearance and deportment. Speaks in his own tounge fluently and forcible. In short, he is a great man. The Winnebagoes number about 4,000. The Menominies number about 1,500. They are all in their rude uncultivated state Inhabiting a vast region of country streatching from the mouth of Green Bay to the Mississippi. And considering the natural advantages, the most interesting of any of our country, and when if ever it is open for settlement will soon be a populous, rich country.

The names of the chiefs attending the council are as follows:

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For the St. Regis tribe,—The Rev d. Mr. Williams.

“ Brothertown ”—Wm. Dick, N. Towles & John Jonston.

“ Oneidas,—John Anthony, Dan I. Bread, Henry Powles, Comly Stevens, N. Autsequitt.

“ Stock Bridge,—Jn. Metoxen, Jno. W. Quinney, B. Kunkipot, Jac b. Cheaks & Andrew Miller.

Winnebagoes

Hoot-schoop or Four legs

Shouunk-tshunk-siap or Black Wolf

Wheank-Kaw- “Big Duck

Monk-Kaw-Kaw

25th Wednesday. It was proposed that the New York Indians should invite the Menominie chiefs to a conference, and accordingly they met in a house by themselves, but with open windows. We sent our interpreter, Mr. Conner, and a man by the name of [Richard] Prickett interpreter for Mr. Stambaugh also attended with them and after their usual ceremonies the Wapennakies made them a speach. In answer the Menominies said they would be ready when they were furnished with a Menomonee interpreter to tell them what they had to say. There is no doubt that some 193 of the French People are continually making improper representations to the Menominies in order to prevent those natives from agreeing to anything reasonable in favor of laying off land to the New York Indians. We therefore did not go to the council house to-day, and went immedeatily about getting an interpreter. A young man by the name of Greignio [Grignon] was recommended, we sent

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for him, and inquiring his price per day, he said he would not interpret short of \$8.00. We gave up employing him.

We had previously agreed, as the custom was to invite a number of the chiefs to dinner on such occasions, to take some from each Tribe, & accordingly invited the Munsee, Mr. Hunt and 2 from each of the other Tribes of New York Indians, except the Menominies [; from whom,] being more numerous we invited four.

Chiefs of the Minominie Tribe.

Osh-kosh or The Brave.

Car-ron " Josette.

Peno-we-gon-na " Big Soldier.

Kaush-kaw-no-nawe," Bears Grease.

Pe-wit-ta-nit " Rain.

Wa-ba-se " Rabbit.

Man-bas-cause " Rabbit or Hare.

Mha-nanon-pork " Wave.

Tan-kau-mha-ki-chin" Little Chief.

Tche-nawn-pau-ma " All Looks upon.

26. Thursday morning, about 8 o'clock, it began to rain and hindered our meeting as early as we intended. About 10 it ceased and we met again in council and after waiting a long time they informed us that they could not talk to us without an interpreter and they must

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have this same Grignio who before asked \$8 per day. We told them they might have whoever they were a mind to send for. They also told us they would talk with us when he came. Adjourned untill afternoon; met again;—then they told us that they were unlearned and wanted some council as the Wappenakies 13 194 have, and they should make choice of one of us that is of our white men, and [one who] lived in a Brick house and was Judge of the high court, and that they wanted a copy of our instructions that they might have them to keep and also wanted a copy of our Talk of the first day. This was the request of the Minominies which we granted.

The Winnebagoes were asked through Their interpreter, a French woman who attended for that purpose, what they said in relation to that subject. To Which they replied that they wanted the same privilege as the Minominees, but they thought the same council would answer. for boath,—which was also granted and the council adjourned.

In the evening, Fore legs with some of his chiefs, came to our Lodgings and told our interpreter that they had something to communicate to us. We told them to say on. They then told us they ought to have some person to council them and they would take some person in the house. We told them they could take whom they pleased. they then took hold of and introduced a young Lawyer by the name of Henry S. Baird, to us as their council. All this they have been put up to to prevent them from agreeing to anything, and to delay time. We are led to this conclusion by every movement of the greatest part of the Inhabitants of this place.

Agreed to invite some of the Officers from the fort and some private gentlemen to diner, and about 14 chiefs. To the Minominees and Winnebagoes have made a point [to present] each a Blue Am. callico shirt. And about the time of dining some words passed between Genl Root and Mr. Mason in relation to the invitations to dinner, and some of the company already present refused to sit at the Table and some very hard words passed To the mortification or dissatisfaction of all present and the whole was confusion. Mr. Mason immediately declared that he would not have anything to do with a public dinner in which

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Gen r Root was concerned, and Told Mr. Arndt to make the public bill up to that Time. We of coarse rather than have any confusion ceased to set a public Table. I said that I would invite the remainder of [the] Indians, which was 195 about ten, if at my own expence, or it might give offence and prevent our negotiation from progressing favorably.

27. Friday. Again in councel. There are now 1740 Indians attending. We told the menominies we wished to hear from them. Accordingly Oushcosh [Oshkosh] arose and stated that they had not sold the Wappinackies any land—they had given them the privilege to settle down among them but he knew of no writing nor had he signed any untill the treaty of Buttes des Morts in 1827, by Gov r . Cass. He said he wished to know of his brothers the Wappenakies [what] they had to say and what they want of them. The Winnebagoes were called upon to speak. The head chief, Four-legs, answered that what had been said by his brother in behalf of the Minominies was agreeable to his opinion and the feelings of his nation, but wished to know what the Wappenakies had to say, but at present he had no more to speak.

In the afternoon met in councel. The New York Indians presented a very lengthy memorial setting forth their reasons &c. why they were Intitled to an individed right with the Minominies, a part of which was interpreted to the Indians, but owing to its great length and not necessary to the information of Minominies and Winnebagoes, they being unable to understand its bearing, we ceased to Interpret it, and only ordered it to be filed by the secretary.

At night a band of the Winnebagoes appeared, painted all coulors—not only their faces but their bodies—before the door of the house where we boarded, encouraged by some and Treated by others with whiskey. They held the war dance and kept it up untill 10 o'clock at night, with all their disfigured and distorted countenances—naked except Breech clouts. All with some kind of warlike weapon and horrid yell, made them resemble so many infernals.

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28th. Saturday. Met in council. The New York Indians told their Red Brethren, the Winnebagoes & Menominies, that they wanted only their rights—that they might live in friendship—and they ought to have all the land on Fox River from Winnebago lake down to Rapid de Pierre, and that width running N. West 30 miles 196 and south east 15 miles from the River, and perpendicular Breadth about 26 miles, making about 748,800 acres.

After giving the chiefs and warriors notice that they would have only 2 days rations more, except the chiefs & families, and that they must remove their camp and had better return home, we adjourned untill afternoon. At 3 o'clock P.M. met again, and after showing the Indians a map of this part of their country, They said all the country they could spare was from the Little Butte des Morts on the N. W. side of Fox river to the head of the Rappids, and that width to the 3 days Travel with an Indian and his family, or as we understand 30 miles and about 10 miles & a half wide, making about 201,600 acres of land. That was something less than one third of the amount asked by the N. Y. Indians. We then adjourned the council untill Monday. After we adjourned about 70 Pottowatimies and Ottawas came in—all to git rations, as they had no concern in the treaty or courtcel. At evening the Winnibagoes held another war dance in which the head chief, Four-legs displayed great activity.

29. Sunday. Laid by. About 9 o'clock Four-legs came to the house and asked if we wanted them to dance. We told him it was sunday, or day to worship. the Great Spirit. He said white man sent him Telling him we wished to have them dance, as there would be no council. No doubt some person did it for To make sport.

30. Monday. Held a conference with the Oneida chiefs to Try to have them agree to seperate locations. They told us they were united in their purchase, and could not separate their interests. We waited all day for their conclusion and did not meet in genl. council, and Tried to agree among ourselves what location to make; not expecting any agreement on the part of the different Tribes we felt bound to make a location To refer to the president for confirmation or rejection—and from the conflicting Interests some advising one, some

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another. At evening recd. a communication from the New York Indians stipulating to throw off 10 miles from the northwest side of their claim on condition we would add certain other parts of Tracts at 197 the mouth of Dutch creek near Green bay, but still their demands were such that we could not accede to them.

31. Tuesday morning. We came so near agreeing among ourselves that we began to hope that we should be able to locate and directed Mr. [Albert G.] Ellis to Take a survey of the mouth of duck creek and the points necessary to fix a N. Easterly Boundary, and also to run part of the line as determined by the Treaty of Buttes des Morts to know where the Oneida settlement was situated and to report the same to us.

At 4 o'clock P. M., met in council to see if the Winnebagoes and Minomenies would agree to our proposition, which was to give the N. Y. Indians about 295,000 acres being nearly 120 acres to every soul interested among them. The Menominies and Winnebagoes told us they would not give or let the New York Indians have one foot more land than they had offered and Fore-legs said we might go home and tell the president so. The New York Indians said they wished to see the commissioners in the morning for they had some thing to say To them and desired to have Winnebago and Menominie chiefs present. We accordingly agreed to meet them at Mr. Arndt's, where we boarded.

I have forgot to mention that a drunken soldier posted near the Indian encampment to guard a field of potatoes & corn, stabled a Menominee chief—a harmless old man—by the name of Big Soldier. The soldier was put under guard and probably will be punished for geting drunk on his post and for improper conduct as a soldier.

Sept. 1. Wednesday. At 9 o'clock A. M. assembled [in] Mr. Arndt's Temporary dining hall. Mr. — in behalf of the N. York Indians said they did not altogether agree with the proposition of the com'rs, but desired to live in peace with their Brethren the Winnibagoes and Minominees. The Winnebagoes said they should agree with the Minominees in what they did, but as they said they would give no more, they would not, and as fore legs who

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was speaking made his last expression he siezed his sword as though he would go to war first. The Minominees stated in a few words that they would not let the Wappenakies have an inch more 198 than they had offered. The council for the Minominees read a speech in behalf of them, in relation to the original Treaties between them and the N. Y. Indians, in which they charged the Latter with fraud. To the Indian wounded by the soldier yesterday we presented one bbl. pork, one barrel of flour and 3 bushels of corn, and then the council Broke up.

In the afternoon the com'rs were invited to attend at the agent's house to hear what the Indians had to say to him. After their usual formalities they began by stating that they were poor and ignorant creatures, and they wanted to know where all of the commissioners instructions came from and no presents. That they were going home to gather their rice and they had no Tobacco to smoak, and insted of a pipe they had to put a stick in their mouth. That they wanted 2 days' rations to help them home. That they wanted powder & shot to assist them to procure meat for their children. Besides, the current was strong to push against and they wanted to suck one of their fathers' breasts—that milk would make them strong—meaning a keg of whiskey to suck at. Then paused a little and said that they had heard of their great father the president, and they wanted to go and see him, but was so poor that [they] could not go without his help, and wanted the agent to write to the president to furnish them with clothing and expenses, and for the agent or some other person to accompany them with an interpreter.¹ Also to go to washington. *A fine Job for two or three to make money* . A plan got up by Judge [James D.] Dory and the Grignios to rob the Treasury of some eight or ten thousand dollars.

¹ This desire on the part of the Menomonees was, after the close of the present council, fostered by Agent Stambaugh, who went to Washington in December, 1830, with Daniel Bread, Grizzly Bear, Eleazer Williams, and others, and concluded there, Jan. 8, 1831, what became known as “the Stambaugh treaty,” covering the ground attempted by the

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commissioners the summer before. For details, see *Wis. Hist. Coll.*, ii., pp. 432 *et seq.*—Ed.

2 d Thursday. We are settling with the interpreters and Mr. Arndt for furnishing the public Table, and waiting for an opportunity to return to Detroit, and for a report from 199 the surveyor who is now out. In the afternoon went out Towards duck creek N. from the fort. Found it a low country. The road was along on a piece of elevated ground hove up by the surf of the Bay, being a perfect representation of a beach—sand, with some small pebbles of different kinds of stone from which the bay has receded, although it is 15 or 20 feet below the general elevation. Between it and the lake or bay is a large Tract, almost as far as I could see, of low meadow of wild grass but little above the water, which is now said to be 3 feet above the usual height. The land above the ridge is wet prairie or low land, with willow, alders, tamarack and some large aspen and popple, but may be reclaimed with proper culture & draining.

Whole amount of expences of the Mission .

Pork, flour and corn purch d 2235.00

Mr. Arndt's bill for entertaining Indians, &c 242.04

Mr. Wendal's bill of goods 187.94

\$2664.98

3 d Fryday. Closed up with the remnant of the Indians and turned over the ballance of our provision, flour, &c. to the agent, Mr. Stambaugh for his draft on Governor Cass.

24 bbls. pork at 13.50

71 do. flour 5.75

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32 bushels corn .75

being the price paid 756.25

The whole amount purchased was

For the above ballance expect a draft on Gov. Cass.

85 bbls. pork 13.50

150 " flour 5.75

300 bu. corn 75

\$2235.00

from which deduct 756.25

1478.75

11 o'clock. I started for the Oneida settlement at Duck creek about 8 miles distant. Traveled ever a bad road 6½ miles and came to an ash swamp mired down and with 200 difficulty got my horse out and returned. The land is very level—the whole height not more than 100 feet elevation between those waters. The land with proper cultivation when cleared will make good farms for grass and some will be good for grain, but badly watered.

The wounded Indian came with two or three others, as our interpreter informed us, To take his leave of us and to ask for a Blanket, a shirt and some Tobacco which we gave him, and to 3 others gave each a shirt—being the last of what 4 ps. of Blue callico made, as it has been the fashion to give every one a shirt that comes to dine. Towards evening the old man was as drunk as any of them.

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Rations issued 19,399

Winnebagoes 620

Minominees 16,362

New York 1,435

Chipeway, &c 1,192

Greatest number 1.445 M.—75 Win.—N. Y. 191—Chip. 161, per day.

4th. Saturday. Waiting impatiently for some Vessel to arrive that we may have a passage to Detroit. Walked out to Devel river about one mile. A fine, dry, sandy ridge hove up at some ancient period by the surfs of the Bay, which has long since receded and left a fiat of low ground between it and the river. All the streams have no current near their mouths and are almost overgrown with grass and wild Rice; and all round the Bay it is the same. which cause has produced the name of Green Bay. This country is Too low to be comfortable for roads and settlements—many swamps of Black ash, red & white cedar.

5th. Sunday morning. A cold northeast storm of wind and rain. Went to the fort to meeting. Mr. Coltern preached an excellent discourse from these words The way of the transgressor is hard. There were present 4 ladies, 2 of whom were half-bloods. two subaltern officers and 4 private gentlemen, and about 50 soldiers. The wind is fair to bring an arrival of some vessel and about 15 men [are] anxious to see a sail. At evening a messenger arrived with a letter to the agent informing him that 60 of the Sock 201 Indians had passed near that place (Fort Winnebago) to attack the Menominees.

6th. Monday. The N. E. storm seems to have blown over, and no vessel has arrived. With much anxiety we are all waiting to return to Detroit.

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7th. Tuesday. A comfortable day. At evening we were alarmed at the fall of a building which was in raising after one plate was on, in putting on the other. The hands princepally on the building when it fell—6 men badly wounded, two mortally, as supposed, others hurt more or less. How uncertain is this mortal life.

8th. No arival yet. The wounded men are all alive and some hopes of their recovering. At evening Mr. Stambaugh came and offered us a receipt for the provisions delivered, but refused to draw on Gov r . Cass as expected.

9th. Thursday. Very pleasant but cool. Still waiting for an arival with great impatience. Walked up to Shanty Town and back again.—How impatient I am.

10th. Friday. Very pleasant. At evening clouds up—threatens with a storm. There is now waiting for a passage twenty persons, 14 of which are at this house—Arndt's,

11th. Saturday. A violent northeast storm of wind and Rain and very cold. Still fair wind to bring an arival—no news from the lower country for 4 weeks. At evening the steam boat H. Clay arrived, which caused great joy among the persons waiting. Still a violent storm from the N. E.

12th. Sunday. All in a bustle to git ready for a start. The wind still blowing hard from the N. E. At evining clear and calm.

13th. Monday. Morning clear and pleasant. Although we had been long waiting we were not ready. Mr. John P. Arndt's draft was not made out and we could hardly git together to settle & arange the business. His account was \$242.04 for arrangements for the council: viz. Boat and hands to Winnebago lake, 6 Days; building council House, furnishing public Table & liquor for 111 extra meals, & Ferry boat and hands four days for the council to cross the river. Ballance as above.

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Mr. Ellis presented his maps and charges for surveying, &c. \$99.25. Paid him \$147.25 cash, & an order on Mr. Stambaugh for 3 Bbls. pork @ 13.50 & 2 of flour at 5.75, part of which we turned over to him.

My bill at Arndts—10 matts 8.

Board, liquor, Washing & Horse ride to Duck creek 23.7

Fare to Detroit 24.

On Board. Started at half past 1 o'clock. Tolerable fair wind and go at the rate of 12 miles per Hour. The darkness of the night and the wind increasing Together; the crooked ways of the channel among Islands induced Capt. Norton to cast anchor at 8 o'clock in the evening; but finding his anchor not to hold, Turned head to the wind and put on steam enough to hold our ground and continued so all night,—about forty miles from Fort Howard. I gave Mr. Ellis a five dollar bill to make a map and send to me by mail, of the Tract of country explored and laid off.

14. Tuesday morning: the wind still high. Capt. Norton put the boat before the wind and hoisted sail and made for Michilimakinak. The wind veering round to the north and the bay so rough that the captain thought best to run into Eagle Harbour, where we are again at anchor. The land on shore is in places high rocky bluffs, in other places Low at the shore but soon raising from that to high land and looks like a good country.

About 3 o'clock got under weigh, the [wind] more in our favor. Passed the High Bluffs called Death's door before dark and soon fell under the lee of Louse Island and entered L. Michigan, which was very rough, the wind N. W. and on our beam, so that we rode in the troughs of the swell and rolled and Tumbled violently. In the morning we had passed the Beaver and fox Island and was near Laber Crosh¹ and soon in sight of Michillimacanak.

1 L'Arbre Croche.— Ed.

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15th. Wednesday morning at 10 o'clock, landed at Mackinaw—the wind fresh from the northwest, and the Boat rolls so that we cannot Take in wood. At sundown the wind ceased and the boat was hauled up to the wharf for to Take 203 in wood, and expect to start sometime in the night. Weighed anchor and made sail between 10 & 11 o'clock.

16th. Thursday. A fair wind and at 4 o'clock P. M. opposite to Saginaw Bay about 150 miles from Mackinaw—the wind fair and heavy.

17th. Friday morning as the day dawned, passed the light house at the outlet and in the twilight run down the rapids—the weather clear and cold—but when the sun got up air became mellow and at noon quite warm—at which hour we arrived at Detroit, 45 days since we left it, and somewhat thankful that I am again in a christian country. From Mackinaw we have had 2 presbyterian ministers and a catholic priest—the Vicar of his Holiness the pope.

18. Saturday. Attended our business, arranging our counts & making our report. This morning a hard frost, but clear and come about warm.

19. Sunday. Went to the Baptist meeting. A Mr. Parker preached—a man from Avon, Livingston county [New York.]

20. Monday morning early, engaged in finishing our business, intent on Taking passage in the Niagara steamboat. Much to do, and required every moment. Our fiscal and general report about to be engrossed, besides duplicate Vouchers for all of our expenditures to be made out and signed, examined, &c. We did not get the general Report done. Took it on board and finished it while going to Sandusky, at which place we arrived next morning at 8 o'clock, where Mr. Mason took stage for Kentucky. A Blustering night. Came to under the lee of Cunningham's Island.

21. Tuesday. Thick, cloudy, and strong east wind right ahead. It is now 2 o'clock, and we have only made Black river 30 miles from Sandusky. The lake rough—we are Tossed

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about till the greatest number on board are very sick. At 8 o'clock at Cleveland; captain Blake dare not attempt to go into the Harbour; cast anchor about a mile from shore, and put his passengers on shore by the small boat—the sea so rough that it was with difficulty the small boat, could come along side, rolling so that its gunwale was 204 sometimes as high as the s. Boat & two women had to be put on shore. I felt for the poor creatures who were crying for fear.

MEMORANDUM BY COMMISSIONER M'CALL.

Boundary lines of the location of lands for the New York Indians—As established by the Hon I . E. Root, J. McCall & J. T. Mason, commissioners of the U. States.¹

¹ Cf. terms of Stambaugh treaty, *Wis. Hist. Coll.*, ii., pp. 435 et seq.—Ed.

Begining at a point on the N. W. line of the cession by the Menominees to the U. States —by the Treaty of Le Butte des Morts in August, 1827, due west from the mouth of Duck creek—emptying into Green Bay—thence runing E. to the mouth of said Duck creek Thence South westerly so as to leave the most easterly improvement of the Oneida settlement on Duck creek to the N. W. of such line untill it intersects the aforesaid N. W. line of said cession by the Minominees to the U.S.—thence westerly in said last mentioned line to a point N. 40° West from the mouth of Plumb creek on the east side of Fox river thence south 40° E. to the bank of Fox River and oposite the mouth of said Plumb creek —thence up and along the bank of Fox River to the Little Butte des Morts—thence N. 45 W. far enough to make a Triangular piece of land by drawing a strait line from such a point in this last described course to the place of begining, as shall contain 275,000 acres of [land] excluding those from all private land claims within the same—That shall be legally substantiated.

Also on the east side of Fox river, as follows, (viz.) beginning at the foot of the rappids of the grand Kackalin—runing thence up and along fox river to the little chute—and extending back from fox River in this width, two & 50–100 miles south 45° east, far enough to contain

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six thousand acres of Land. It being stipulated that if the government of the U.S. will pay the N. Y. Indians now living on this location for their Improvements then they are to remove onto the west side of the Fox river.

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Also located especially for the Brotherton Indians—As follows: Begining on the east side of Fox River, at the corner made by Thomas Dean at the foot of Little Kakalin—thence up and along the River—to the mouth of plumb creek and extending back of this width s. 45° East, far enough to make twenty thousand acres of Land.

It is further stipulated that an equal quantity of land with that contained in the description, and comprehended in the cessions of the Minominies at the little Butte des Morts, shall be Taken from the lands on the east side of Fox River, between the grand cackalin and Winnebago lake—between parrell lines running south 43° east from said river and far enough back to make the amount Taken from the said cession of 1827.

DOCUMENTS ILLUSTRATING M'CALL'S JOURNAL.¹

1 Obtained from the records of the Department of the Interior at Washington.— Ed.

SECRETARY HUNT'S ACCEPTANCE.

Detroit , June 28, 1830.

Ths. S. McKenney, Esq .,

Sir ,—I have the honor to acknowledge the receipt of yours of the 8th inst., notifying me of my appointment as Secretary of the Board of Commissioners to locate Indian lands &c. at Green Bay.

I thankfully accept the appointment and shall make every arrangement to join the Commissioners on their arrival at this place.

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It is very gratifying to me to receive this testimonial of respectful remembrance on the part of my friends, and of confidence and public trust on the part of the President. These considerations will constitute the strongest inducements in my mind to exert myself to meet the expectations of the Commissioners in the discharge of the duties which may devolve upon me.

I have the honor to be Very respectfully, Your obt. Servt., Wm. B. Hunt .

LETTER OF TRANSMITTAL.

The Honorable John H. Eaton, Secretary of War .

Sir ,—Gen Root has sent to me the enclosed report of the Green Bay Commissioners, with a request to present it. together with the assurances of his most respectful consideration, to you.

I have the honor to be, With high respect, Your obedient servant, S. R. Hobbie .

Washington, Nov'r. 29, 1830,

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REPORT OF THE COMMISSIONERS.

The undersigned commissioners appointed by the President of the United States “to locate a District of Country at Green Bay and establish the boundaries thereof, for the accommodation and settlement of the New York Indians” in execution of the trust confided to them, assembled at Detroit on the 19th day of July last. Here, as they were advised in the letters announcing their appointment, they received through Gov. Cass, their instructions from the department of war. They remained at Detroit, engaged in collecting information and making the necessary preparations as will appear by their journal and a

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further report of the fiscal concerns of the mission, till the 4th day of August, when they embarked for Green Bay. They arrived at this place on the 10th day of the same month.

The Commissioners were specially enjoined by their instructions to endeavour to reconcile the various tribes concerned and preserve harmony among them, and so to arrange matters as to maintain good and kind feelings among'st all the parties; and being also advised that before the President could give his sanction to any arrangements made by them, he must be fully satisfied that these important considerations are fully obtained. They were advised by high authority at Detroit and individually felt the fitness of the advice, that the Winnebago and Menominie Chiefs would not yield their assent to any measures the Commissioners might adopt without the approbation of their respective nations, expressed in Council. Accordingly on their first arrival at Green Bay the Commissioners took measures for summoning a Council. Runners were dispatched, with the wampum and tobacco to the Countries of the Winnebagoes and Menominies, and messages to the New York Indians, inviting them to assemble at that place on the 24th instant. The intermediate time was employed in exploring and surveying the country.

As the question referred to the President of the United States for his final decision, by the treaty of Butte morts, of the 11th of August, 1827, is acknowledged and 208 declared to be one of much difficulty, it became indispensably necessary for his Commissioners to make themselves fully acquainted with the merits of the case. They have therefore given the subject a pretty thorough investigation. The following is the result, but given as succinctly as possible:

Previous to 1820, and in that year especially, the Government of the United States took active and efficient measures to facilitate the purchase of a tract of land, in the Northwestern Territory, for the accommodation and future settlement of the New York Indians. This was done for the avowed purpose of carrying into effect beneficially, a compromise with the Stockbridge and Munsee tribes for lands on the White river, purchased of the Delawares and partly owned by the former; and to accommodate them,

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and their red brethren of New York with a permanent home remote from the vicinity of arty white settlement and the temptation to the use of ardent spirits, that “bane of Indian improvement.” it was also a desirable object with the Government to place these friendly Indians who had made considerable advances in civilization and improvement, on a distant out-post, where they might serve to check or harmonize the disaffected or hostile savages of that region. Their attachment to the American cause and the assistance they afforded in the late war was also avowed as an additional reason for the extension to them, of the fostering care of the Government. Under such auspices and with the assistance of the united States Agent specially appointed for that purpose, they concluded a treaty with the Winnebago and Menominie nations at Green Bay on the 10th of August, 1821, by which the latter ceded, released and quit claimed to the former all their right, interest and claim to the land comprehended within and described by the following boundaries, viz: “Beginning at the foot of the rapids on the Fox river, usually called the Grand Kakalin; thence up said river to the rapids at the Winnebago lake, and from the river extending back in this width on each side to the northwest and to the southeast equidistant with the lands claimed by the said Menominie 209 and Winnebago nations of Indians.” The right of hunting and fishing was reserved to the Winnebagoes and Menominies, but in the exercise of that right, they were to commit no waste or depredation on such lands as might be under improvement by the New York Indians. This cession was in consideration of two thousand dollars; Five hundred of which were paid at the time, the receipt of which is acknowledged in the treaty. Fifteen hundred dollars were to have been paid within one year. This sum was satisfactorily paid and a receipt given in September, 1822.

The acquisition, by this treaty, did not give perfect satisfaction to every portion of the New York Indians. The smallness of the tract and its distance from Green Bay appear to have been among the most prominent causes of uneasiness. They were therefore prompted to solicit the Government for its aid in procuring an extension of the cession. To this solicitation the Government promptly gave its assent and efficiently aided them in the accomplishment of their object; directed rations to be issued to their deputation;

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recommended them to the attention and kindness of all officers of the Government, and appointed an Agent to superintend the negotiation on the part of the United States. Thus encouraged and sustained they concluded a treaty with the Menominie nation under the superintendence of a United States Agent specially appointed for that purpose, at Green Bay on the 23rd of September, 1822. By this treaty the Menominies ceded, released and quit claimed to the New York Indians all their right, title, interest and claim to a large tract of country containing at least five millions of acres, rather undefined, but limited southwesterly by lands ceded to them the year before, by the Winnebagoes and Menominies, and by the Mannawahkiah (supposed to be the Minnewawkie) river, easterly and northeasterly by lake Michigan and the Bay des Enock, northerly and northwesterly by the height of land between the waters of lake Superior and those running into Green Bay and lake Michigan. This cession was made in consideration of three thousand dollars,—one thousand of which was paid at the time, as 14 210 acknowledged by the treaty; Nine hundred and fifty dollars were paid and receipted on the 18th of September 1824. The remaining one thousand and fifty dollars were paid and receipted on the 13th of November 1824. By the second article of this treaty the New York Indians promised and agreed to and with the Menominies that they should have the free permission and privilege of occupying and residing upon the lands therein ceded, in common with them, provided that the Menominie nation should not in any manner infringe upon any settlements or improvements which might be made by the New York Indians. This mode of drafting the articles of cession might have been intended as a mean to “keep off the long finger nails of the white people.” Indeed there was some evidence to show that this was the intention of both parties. But as the several parts of the same instrument, referring to the same subject matter, and perfected at the same time. constitute but one deed, the cession of the whole in one clause, and the retro-cession of a moiety by another, and by the same deed, cannot amount to any thing more than the grant of one moiety, and the reservation of the other. For it would be absurd to say that a party is divested of the whole, and reinvested with the moiety, *eo instanti* and by the same deed. The tenure by which the estate is held, as well as the nature of the estate. cannot be changed by this mode of conveyance. For as title by

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occupancy is the title by which a community of Indians hold their lands, a covenant real, for the full and free occupation in perpetuity, and that attaching to an actual possession, is equivalent to any estate assumed to be granted by the instrument. It follows then that the New York Indians acquired a tenancy in common with the Menominies; the same estate which their chiefs have insisted that they had granted and of which they have consented that the President might make partition.

The Council assembled on the 24th and continued from day to day as may appear by the journal to be transmitted as before stated. The Menominies and Winnebagoes asked the privilege of being assisted by Counsel; the Commissioners 211 informed them that they might have the assistance of any counsel they might think proper to select. The Menominies thereupon selected Judge Doty as their counsel. The Winnebagoes concurred in the appointment of Judge Doty as their counsel; but in the afternoon their Chiefs informed the Commissioners that they had selected Counsel for themselves. and named Mr. Baird. a counsellor at law of Green Bay. The Winnebagoes and Menominies having expressed a desire to know the extent of the claim of the New York Indians and with how much they would be content. they gave in their proposition marked *A* . The other party being requested to make their offer, gave in their proposition marked *B* . The New York Indians afterwards made their further proposition marked *C* . The next day the Commissioners submitted in full council their proposition as finally agreed. upon by them, and explained to all the parties on the map, the various locations and quantity of land in each. The locations and boundaries then explained are the same as now reported by us.

From this proposition all parties dissented. Judge Doty's argument was given in writing and that, together with the speeches of the Indian chiefs on the subject is entered at length on the journal. They all relate to the validity and extent of the cessions made by the treaties of 1821 and of 1822. As the validity of these cessions has been questioned by Counsel so eminent and influential as those appointed by the Winnebago and Menominie Chiefs, the Commissioners feel it to be their duty briefly to examine the most prominent objections.

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To the first cession it is objected now, and has been heretofore, especially by Four legs, that they never gave to the New York Indians liberty to settle above the Little Chute. To this objection it may be answered that the Winnebagoes never claimed to own below the Little Chute nor had they any lodges on the right bank of Fox river or the eastern shore of the lake, and included within the lines of the cession. Four legs has since that time seated himself on the Island at the outlet of the lake. It is fairly inferable from 212 the report of Mr. Trowbridge to Gov. Cass in 1891 that the Winnebagoes did not even claim as far down the river as the little chute, for when the Menominies had refused to sell to the New York Indians the former "expressed a great deal of sorrow at their answer and proposed to give their brethren of the east the land on the Fox river from the Grand chute to the Winnebago lake, a distance of four and a half miles." It is not probable they would have offered to grant so far down the river and still retain a narrow strip below. The report continues: "Perceiving that the Menominies were astonished at this reply it was thought advisable to adjourn the Council with a view to give them time for reflection. On the following day they met the deputies again and having stated that their minds were changed, proposed to join the Winnebagoes in a cession of the lands from the foot of the Grand Kackalin to the rapids of the Winnebago lake." The treaty made in pursuance of this proposition was signed by Four legs and Black wolf. The same chiefs the next year signed the receipt for the last payment, and they were the only Winnebago chiefs who spoke in Council at our late session. Four legs could not have been deceived or mistaken in the extent or nature of the cession. He is a cunning artful man. He then resided near the outlet of the lake, on the left bank and just above the rapids. From these facts it appears to the Commissioners that the Winnebagoes had no colour of a claim to the lands in question except the right of hunting and fishing on what may be unimproved and which were formerly owned by them.

The validity of the cession of the Menominies by the treaty of 1822, is questioned on two grounds.

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1. That all their chiefs did not join in the treaty and some of those who did were not authorized.
2. That they did not intend to sell their lands but only to permit their eastern brethren to come and live among them.

The first objection is answered by a reference to the recognition of the treaty by the whole nation. In the first place they received the several payments and divided them among the nation according to custom. After their chiefs had 213 sent a remonstrance against the treaty to Gov. Cass to be forwarded to the Government, they received and distributed the last payment in November 1824, and thereupon applied to Major Brevort, the U.S. Agent, to send on a countermand.

The authority in the treaty of 1827, given to the President to establish boundaries between them and the New York Indians admits that some thing was granted to the latter, and other than that granted by the treaty of 1821, for then the boundaries were already established. It is not pretended but the submission to the President's final decision was well understood. This very circumstance then repels the idea of the total invalidity of the instrument.

The second objection is already answered. The instrument does not grant any more than the Menominie chiefs alledge they intended to give, that is, a right in common with them. The Commissioners have so understood it and have acted accordingly. Indian property is generally held and distributed according to the number of polls including all of every age and sex. By this rule the New York Indians being more numerous than the Menominies would be entitled to the greatest share. But in this case the number of polls and the number of acres can have but little influence in making a just partition. The one party are to occupy as husbandmen, the other as hunters, probably for many years yet to come. A comparatively small number of acres will be as valuable to the one as a much larger quantity to the other. The Commissioners therefore propose to set apart to

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the New York Indians only about three hundred thousand acres, while they leave to the Menominies an immense tract of five or six millions. The tracts so set apart are described on a paper headed "Boundaries of lands at Green Bay, located for the accommodation and settlement of the New York Indians by Commissioners appointed by the President of the United States," and on two maps of that country, all of which are herewith transmitted. It will be perceived by the map that a considerable portion of the lands set apart for the New York Indians is included within the purchase of the Menominies by the United States 214 in 1827. They are thought to be "just claims" within the intent of the proviso of the 3rd article of the treaty by which the purchase was made. They had before that time made settlements at Duck Creek, Grand Kakalin, &c. Upon that purchase by the United States they became intitled to a common interest with them. The President is therefore authorized by that article to change the boundaries of that purchase so as to include land not exceeding in quantity that set apart therein to the New York Indians. The Commissioners recommend an extension of the boundary on the right bank of the river to the Winnebago Lake. The Winnebagoes have consented to the measure. If not, they have parted with their interest, and it may be made a consideration that the New York Indians release their claim to the United States. The Stockbridge tribe it is understood will release to the United States their claim on the east side of the river on being paid for their improvements. In that event the right bank of the river will be free from Indian claims except the Brothertown tribe. These are farther advanced in civilization and the arts of domestic life than perhaps most of the borderers on a distant frontier.

All which is respectfully submitted, 20 Sept. 1830.

Erastus Root .

James McCall .

The Report for the Commissioners drawn by Gen I Root and submitted for approval and signature since we got on board the boat for our respective homes, I have examined,

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in the imperfect manner which the situation in a steam boat cabin will admit, in the few hours allotted before separation. I mention this to show, that it is impossible to investigate the grave subjects of law introduced into the report, at this moment, with the hope of any satisfactory conclusion. So far as I can give the subject consideration *instantly*, I cannot concur in the positions taken in relation to the claim of the New York Indians, and do not agree to the legal deductions drawn from the facts assumed.

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I consider the question of the validity of the contracts of 1821 & 1822, a subject reserved by the President for himself to consider, and not submitted to the Commissioners for investigation: nor did they investigate it; therefore I cannot concur in that part of the report which says they did; and I consider all matters in the report connected with this subject as gratuitous and cannot give my sanction to it. So far as the report states the acts, and transactions of the Commissioners, according to their journal, I concur.

John T. Mason , Sept. 20, 1830.